

Case No. 08-35100

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MAY 21 2008

DENGE LEMO GAHANO,

FILED _____
DOCKETED _____
DATE INITIAL

Plaintiff-Appellant.

v.

SUNDIAL MARINE & PAPER AND ALLIED INDUSTRIAL CHEMICAL AND
ENERGY WORKERS INTERNATIONAL UNION 8-0369.

Defendants-Appellees.

Appeal from the United States District Court

For the District of Oregon

Honorable Judge Anna J. Brown

No. CV 05-1946-BR

APPELLANT MOTION FOR LEAVE TO FILE APPELLANT REPLACEMENT
REPLY BRIEF CASE NO. 08-35100

Denge Lemo Gahano
3402 SE 129th Avenue Apt C
Portland, OR 97236
(503) 709-5925

UNREPRESENTED PLAINTIFF

MOTION

Comes now Denge Lemo Gahano, (“Appellant-Plaintiff”) Motion for leave to file Appellant replacement reply Brief under case No. 08-35100. Appellant request this Court permission for him to file the replacement reply brief.

BASIS OF MOTION

FRAP 10(e) (2) (A) stated that, if anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and forwarded on stipulation of the parties. At the time of reply to Union and Sundial Answering Brief under Case No 08-35100, Plaintiff did not Aware the Union permits him the uses of their Supplemental Experts of the record Volume I and Volume II until his reply to Union Answering Brief under Rule 60(b) Motion.

In fact the Union permission was not in writing in separate letter but their permission was in Volume I and Appellant didn’t discover at time his prior reply Brief. Furthermore permitting Union Supplemental Experts of the Record Volume I and Volume II which used in Plaintiff’s replacement reply Brief will help this Court without any confusing to review the issues before them properly.

Allowing Plaintiff’s leave to file replacement Reply brief will not prejudice to the Parties who permits Appellant to use Because the parties already filed their answering Brief on Appellant informal brief and there is no Motion nor brief

intend to file by parties followed after Appellant reply brief. During this case still pending through this Court these is the better time allowing correcting any error. For this reason Appellant respectfully requests this Court Permission to file his replacement Brief.

DATED this 19th day of May 2010

By _____

Denege L. Gahano unrepresented.

CERTIFICATE OF SERVICE

I hereby certify that this is a true and correct copy of **Appellant MOTION FOR LEAVE TO FILE REPLECEMENT REPLY BRIEF CASE NO. 08-35100 FILED WITH THE UNITED STATES COURTOF APPEALS FOR THE NINTH CIRCIUT ON May 19 2010**. I have mailed the foregoing document by US Postage service, to the following parties:

Steven A. Crumb
CRUMB & MUNDING, PS
127 E. Augusta, #200
Spokane, WA 99207

Edwin A. Harnden
Barran Liebman, LLP
601 SW Second Avenues, Suite 2300
Portland, OR 97204-3159

DATED this 19 day of May 2010

By _____

Gahano Denge Lemo Unrepresented